

PROPOSED REVISIONS TO THE CHILDREN'S COURT RULES

The Children's Court Rules Committee has recommended proposed amendments to the Children's Court Rules for the Supreme Court's consideration.

If you would like to comment on the proposed amendments set forth below before they are submitted to the Court for final consideration, you may do so by either submitting a comment electronically through the Supreme Court's web site at <http://nmsupremecourt.nmcourts.gov/> or sending your written comments to:

Kathleen J. Gibson, Clerk
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87504-0848

Your comments must be received on or before April 26, 2010, to be considered by the Court. Please note that any submitted comments may be posted on the Supreme Court's web site for public viewing.

10-425. Consent decree.

[For use with Rules 10-227, 10-228 NMRA]

STATE OF NEW MEXICO
COUNTY
JUDICIAL DISTRICT
IN THE CHILDREN'S COURT

IN THE MATTER OF
, A CHILD. No.

[JUDICIAL DISTRICT COURT
CHILDREN'S COURT DIVISION
COUNTY OF
STATE OF NEW MEXICO]

[No.]

In the Matter of
, a Child]

CONSENT DECREE

~~[The court being fully advised finds:]~~ This matter came before the court on _____, and the court finds as follows:

1. The court has personal and subject matter jurisdiction.
2. The court has made a sufficient advisement of rights¹ upon addressing the child in open court and has determined that there is a factual basis for the charges.

[2:]3. The child ~~[has]~~ freely and voluntarily
 ☐ ~~[admitted]~~ admits to or
 ☐ ~~[declared]~~ declares the intention not to contest or
 ☐ stands mute² to the allegations in the delinquency petition filed under this cause number.
~~[the following delinquent acts (set forth common name of delinquent acts)]~~

_____.

3. ~~After personally addressing the child in open court, the court has determined that the child understands:~~
 - ~~a. the charges alleged in the petition filed in this case;~~
 - ~~b. the dispositions authorized by the Children's Code;~~
 - ~~c. the right to deny the allegations of the petition and have a trial.]~~

4. The state and the child have agreed that the following charges will be dismissed or will not be filed:

[4:]5. The child's best interests will be served by suspending proceedings ~~[for a period of _____ months, during which the child will be on supervised probation]~~ and placing the child on supervised probation

- ☐ for a period not to exceed six (6) months
☐ for an agreed-upon extended period not to exceed one (1) year.

[5. ~~The state and the child have agreed that the following charges will be dismissed or will not be filed:~~

_____.

IT IS THEREFORE ORDERED that the child is placed on probation under the terms and conditions of the plea and disposition agreement, probation agreement, or motion for consent decree, which shall be signed by the child [and parents (if made a party)] and the state and considered a part of this consent decree.

[_____] _____

[Date]

District Judge

Children's Court Attorney

Child's Attorney

USE NOTE

1. The advice of rights form shall be used to document the advisement.
2. Under Section 32A-2-22, NMSA 1978, when entering into a consent decree, a child is not required to admit some or all of the allegations stated in the delinquency petition.

[Approved, effective August 1, 1999. As amended by Supreme Court Order No. _____, effective _____.]
